



General Assembly

## ***Amendment***

***February Session, 2016***

**LCO No. 4948**



Offered by:  
SEN. FASANO, 34<sup>th</sup> Dist.

To: Subst. Senate Bill No. **294**

File No. 509

Cal. No. 334

### ***"AN ACT CONCERNING SERVICES FOR INDIVIDUALS WITH INTELLECTUAL DISABILITY."***

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) (a) For purposes of this  
4 section:

5 (1) "Department" means the Department of Developmental Services.

6 (2) "Commissioner" means the Commissioner of Developmental  
7 Services.

8 (3) "Waiting list" means a list or lists maintained by the  
9 commissioner that include the names of individuals with intellectual  
10 disability who (A) have requested respite supports or residential, day,  
11 in-home, behavioral or other services from the department, and (B) the  
12 commissioner has determined to be in need of the supports or services  
13 requested.

14 (4) "Level of need assessment" means the department's method,  
15 using any standardized assessment or screening tool, to (A) determine  
16 the level of services from the department that an individual with  
17 intellectual disability requires for the management of the individual's  
18 behavioral or health conditions and to complete activities of daily  
19 living, as defined in section 19a-693 of the general statutes, (B)  
20 determine an individual's priority status, and (C) assign an individual  
21 an estimated funding amount for services.

22 (5) "Priority status" means the code assigned to an individual with  
23 intellectual disability for whom services from the department have  
24 been requested that identifies the timing of the individual's need for  
25 services.

26 (b) Immediately after the department completes a level of need  
27 assessment for an individual with intellectual disability, or not later  
28 than September 30, 2016, for an individual who had a level of need  
29 assessment prior to that date, the department shall provide to the  
30 individual and the individual's parent, conservator, guardian or other  
31 legal representative a complete copy of the level of need assessment,  
32 including, but not limited to, scoring results, comments, a summary  
33 report and any other related information or documents.

34 (c) (1) Not later than September 30, 2016, the commissioner shall  
35 notify, in writing, each individual with intellectual disability, who is  
36 receiving services from the department, and the individual's parent,  
37 conservator, guardian or other legal representative of the individual's  
38 priority status on any applicable waiting list and the amount of  
39 funding budgeted for each service provided by the department.

40 (2) Not later than fifteen days after the commissioner makes a  
41 change to the priority status of an individual with intellectual  
42 disability, the commissioner shall notify the individual and the  
43 individual's parent, conservator, guardian or other legal  
44 representative, in writing, of such change.

45 (d) (1) The commissioner shall develop and maintain one state-wide

46 comprehensive residential waiting list. Such waiting list shall (A) be  
47 organized by geographic region and individuals' priority status, and  
48 (B) include the type of support or service each individual needs and  
49 the estimated time period each support or service is likely to be  
50 needed. The commissioner shall update such list not less than  
51 quarterly.

52 (2) On or before July 1, 2017, the commissioner shall conduct a state-  
53 wide census of individuals receiving services from the department.  
54 The census shall be based on the existing level of need assessment for  
55 each such individual. At the conclusion of the census, the  
56 commissioner shall update the residential waiting list based on the  
57 results of such census. On or before October 1, 2017, the commissioner  
58 shall report, in accordance with the provisions of section 11-4a of the  
59 general statutes, to the joint standing committee of the General  
60 Assembly having cognizance of matters relating to public health on the  
61 results of the state-wide census and the status of the residential  
62 waiting list. Such report shall also include, but need not be limited to, a  
63 description of the trends in supports and services requested from the  
64 department and projections for state-wide needs over the next two-  
65 year, five-year and ten-year periods.

66 (e) Information collected, maintained and disclosed pursuant to this  
67 section shall be in accordance with the requirements of the federal  
68 Health Insurance Portability and Accountability Act of 1996 (P.L. 104-  
69 191) (HIPAA), as amended from time to time, or regulations adopted  
70 thereunder.

71 Sec. 2. Section 17a-273 of the general statutes is repealed and the  
72 following is substituted in lieu thereof (*Effective from passage*):

73 (a) The Commissioner of Developmental Services shall appoint at  
74 least one advisory and planning council for each state developmental  
75 services region operated by the Department of Developmental  
76 Services, which council shall have the responsibility of consulting with  
77 and advising the director of the region on the needs of persons with

78 intellectual disability in the region, the annual plan and budget of the  
79 region and other matters deemed appropriate by the council. The  
80 mission of, and meeting dates and times for, each council shall be  
81 posted on the Department of Developmental Services' Internet web  
82 site.

83 (b) Each such council shall consist of at least ten members appointed  
84 from the state developmental services region. No employee of any  
85 state agency engaged in the care or training of [persons] individuals  
86 with intellectual disability shall be eligible for appointment. At least  
87 one member shall be designated by a local chapter of the Arc of  
88 Connecticut in the region. At least one member shall be an individual  
89 who is eligible for and receives services from the Department of  
90 Developmental Services. At least two members shall be parents of  
91 [persons] individuals with intellectual disability. Members shall be  
92 appointed for terms of three years. No member may serve more than  
93 two consecutive terms, except a member may continue to serve until a  
94 successor is appointed. Each council shall appoint annually, from  
95 among its members, a chairperson, vice-chairperson and secretary. The  
96 council may make rules for the conduct of its affairs. The director of  
97 the region shall be an ex-officio member of the council without vote  
98 and shall attend its meetings.

99 (c) The council shall meet at least six times a year and at other times  
100 upon the call of the chair or the director of the state developmental  
101 services region or on the written request of any two members. A  
102 majority of the council members in office shall constitute a quorum.  
103 Any member who fails to attend three consecutive meetings or who  
104 fails to attend fifty per cent of all meetings held during any calendar  
105 year shall be deemed to have resigned from office.

106 (d) The commissioner shall ensure that each individual with  
107 intellectual disability who resides within a state developmental  
108 services region, and is applying for or receiving services from the  
109 Department of Developmental Services and the individual's parent,  
110 conservator, guardian or other legal representative, is informed, in

111 writing and in plain language, of the existence and function of the  
 112 regional advisory and planning council and the supports and services  
 113 available to the individual from the department.

114 (e) Information collected, maintained and disclosed pursuant to this  
 115 section shall be in accordance with the requirements of the federal  
 116 Health Insurance Portability and Accountability Act of 1996 (P.L. 104-  
 117 191) (HIPAA), as amended from time to time, or regulations adopted  
 118 thereunder.

119 Sec. 3. (NEW) (*Effective from passage*) (a) On and after October 1,  
 120 2016, the Commissioners of Social Services and Developmental  
 121 Services shall notify, in writing, any individual with intellectual  
 122 disability, who is receiving state-assisted care and who is soon to  
 123 become ineligible for state-assisted care, and the individual's parent,  
 124 conservator, guardian or other legal representative, of the date the  
 125 individual will be ineligible to receive state-assisted care. Such notice  
 126 shall be sent by certified mail, return receipt requested, not later than  
 127 ninety days prior to the date the individual will become ineligible for  
 128 state-assisted care or will stop receiving such care, whichever is earlier.

129 (b) Said commissioners shall assist any such individual and the  
 130 individual's parent, conservator, guardian or other legal representative  
 131 to identify and secure private funding for care or services required by  
 132 the individual relating to his or her intellectual disability."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	17a-273
Sec. 3	<i>from passage</i>	New section